

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LASHAWN BROWN,

Plaintiff,

vs.

**FORSTER & GARBUS, LLP AND
ASSET ACCEPTANCE, LLC,**

Defendants.

Civil Action No.

1:15-cv-06779-KBF

**AFFIDAVIT/CERTIFICATION IN
SUPPORT OF PROTECTIVE ORDER**

I, Joseph A. Hess, Esq., affirm the following under penalty of perjury:

1. I am an attorney with the firm of Marshall, Dennehey, Warner, Coleman & Goggin, attorneys for Asset Acceptance, LLC ("Asset"). I submit this Certification in support of Asset's request for the entry of a discovery Protective Order pursuant to Fed. R. Civ. P. 26(c).

2. This case involves allegations that Asset violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.

3. It is possible that discovery in this matter may require the disclosure of certain proprietary information pertaining to Asset's business practices, including confidential information regarding Asset's procedures and trade secrets, which are crucial to maintaining Asset's position in its industry.

4. As such, there is potential for serious economic injury if proprietary information regarding Asset's business practices is disseminated, as there are numerous competitors in the market.

5. I hereby certify that I have conferred with counsel for plaintiff, Lashawn Harris, in good faith via telephone in an effort to resolve a dispute as

to the form and content of the proposed Protective Order. However, after full consideration and discussion, the parties were unable to come to an agreement with respect thereto. I have informed counsel for plaintiff of our intention to file the instant application for Protective Order.

8. In accordance with Your Honor's Individual Rules of Practice in Civil Cases dated September 17, 2015, and specifically Rule 7E thereof, Asset has set aside its proposed order in favor of Your Honor's Model Protective Order 2, which Asset has adopted without amendment. A copy of the proposed order is annexed hereto as Exhibit "A", conformed to include the caption and other non-substantive information pertaining to this case.

9. Counsel for codefendant, Forster & Garbus, has consented to the form and entry of the proposed Protective Order.

10. Asset hereby requests that the Court enter a discovery Protective Order substantially in the form and content of Exhibit A.

I declare under penalties of perjury under the laws of the United States of America that the foregoing is true and correct.

New York, New York
Dated: December 31, 2015

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

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